Supreme Court, U.S.
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No. _____

In The

Supreme Court of the United States

JOHN VINCENT HYLAND, JR.,

Petitioner,

v.

WILLIAM JEFFERSON CLINTON,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

PETITION FOR A WRIT OF CERTIORARI

JOHN VINCENT HYLAND, JR.
Petitioner, Pro se
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40PP

QUESTIONS PRESENTED FOR REVIEW

A. Whether William Jefferson Clinton vacated his OATH or AFFIRMATION of Office of President of the United States when he did one or more of the following:

B. Whether William Jefferson Clinton vacated his OATH or AFFIRMATION of Office *as* President of the United States when he did one or more of the following:

1. Confessed to perjury to a Federal Grand Jury.
2. Confessed to subornation of perjury.
3. Confessed to obstruction of justice.
4. Was Impeached by U.S. House of Representatives December 19, 1998, for reason of high Crime and/or Misdemeanors of Perjury to Federal Grand Jury.
5. Was Impeached by House of Representatives December 19, 1998 on grounds of Obstruction of Justice.
6. Was vacated of OATH OF OFFICE upon Impeachment.
7. Was VACATED OF OATH OF OFFICE upon Impeachment for guilt of obstruction of Justice.
8. Did Confer with U.S. Senators before, and during the U.S. Senate trial of House of Representatives' December 19, 1998 IMPEACHMENT of President William Jefferson Clinton.
9. That William J. Clinton was disqualified as President of the United States immediately upon IMPEACHMENT by House of Representatives December 19, 1991 for violations to and of his current Oath or Affirmation of Office.

QUESTIONS PRESENTED FOR REVIEW – Continued

10. Must all laws of "high Crimes and Misdemeanors" be applied equally pursuant to U.S. Constitution, Amendment 14 [1868] and does Amendment 14 supersede relative prior Articles of U.S. Constitution?

11. Does AMENDMENT mean: "To improve. To change for the better by removing defects or faults. To change, correct, revise." re: Black's Law Dictionary, Sixth Edition.

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PETITION FOR WRIT OF CERTIORARI

OPINIONS AND ORDERS BELOW

U.S. District Court Order of Dismissal, March 18, 1999.

Notice of Appeal filed April 6, 1999

U.S. Court of Appeals, Sixth Circuit Dismiss, January 28, 2000.

U.S. Court of Appeals Sixth Circuit Mandate, February 22, 2000.

JURISDICTIONAL STATEMENT

Petitioner seeks review of the decision in the Sixth Circuit Court of Appeals affirming the U.S. District Court's dismissal of petitioner's case in its entirety. United States District Court, Western District Michigan Southern Division 1:99-cv-003.

Petitioner filed "Claim of Appeals" to United States Sixth Circuit Court of Appeals [COA 99-1412], which affirmed the district court's order.

On February 22, 2000, the United States Court of Appeals issued a mandate on the case.

The jurisdiction to review the judgment of the Court is pursuant to 28 U.S.C. Section 1253; 1254; 1332; 1343; 1361.

STATUTORY PROVISIONS INVOLVED

U.S. Const. Art. I, § 2, cl.5; U.S. Const. Art. I, § 3, cl.6.

CONSTITUTIONAL ISSUES

U.S. Const. Article I, U.S. Const. Article II; U.S. Const. Article III; U.S. Const. Article IV; and the Bill of Rights including U.S. Const. Amendment I (1791): . . . "the right of the people peaceably to assemble, and to petition the government for a redress of grievance."

STATEMENT OF THE CASE

A. District Court Proceedings

1. Petitioner brought a civil action entitled "Petition to Enforce Disqualification of William Jefferson Clinton (hereafter: Bill Clinton) as President of the United States and to Give Notice to Senate Jurors that Ex Parte Communication is unlawful." Petitioner paid the $150 civil action filing fee. As the foregoing title suggests, Petitioner argues in his pleading that President Clinton should be removed from office based upon the articles of impeachment adopted by the United States House of Representatives.

On March 18, 1999, the Chief District Judge Richard Alan Enslen dismissed Petitioner's action sua sponte for lack of jurisdiction pursuant to 28 U.S.C.A. Federal Rule of Civil Procedure 12(h)(3). App. 1.

B. Statement of Facts

The majority of votes in the United States House of Representatives passed Article One (228 votes) and Article Three (221 votes) on December 19, 1998 and House Judiciary Committee Chairman Henry Hyde promptly delivered the Articles of Impeachment to a representative of the United States Senate and was prominently shown on National television the transfer of these Articles of impeachment onto the Senate's jurisdiction for trial of Bill Clinton on charges of willful and knowing perjury to a federal grand jury and obstruction of justice including eight (8) counts of criminal code violations.

Petitioner alleges Articles of the United States Constitution must be enforced word for word as written.

REASON FOR GRANTING THE WRIT

I. Whether this is a CASE OF FIRST IMPRESSION whereas from March to May of 1868, the United States Senate tried President Andrew Johnson on Articles of Impeachment and was defeated.

On July 28, 1868, United States Constitution Amendment XIV was proclaimed.

There has never been a Senate trial of a President of the United States since Amendment XIV [1868] was proclaimed.

CASE OF FIRST IMPRESSION

PLAINTIFF'S PRESENTATION OF CASE OF FIRST IMPRESSION:

March to May of 1868, the United States Senate tried President Andrew Johnson on Articles of Impeachment and was defeated.

On July 28, 1868, United States Constitution Amendment XIV was proclaimed.

There has never been a Senate Trial of a President of the United States since Amendment XIV [1868] was proclaimed.

Plaintiff alleges that Amendment XIV [1868] is for an amalgamation of the whole of United States Constitution for purposes of "equal protection of the laws"; and to remedy any Articles and/or Amendments which conflict with:

> [nor] deny to any person within its jurisdiction the equal protection of the laws.

Articles and Amendments prior to 1868 did not provide for "equal protection of the laws [to *any person*]." (Emphasis added)

For example:

The President of the United States is a "person". Article I, Section 2 [6] . . . [When] the President of the United States is tried, . . . discriminates as to the President of the United States and is, by action of law, "actionable per se", and became lawfully *vacated* pursuant to Amendment XIV [1868] Section 1:

> . . . [No] State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life; liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Article VI [2]:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Plaintiff alleges that Article VI [2] declares the Constitution as "the [supreme] Law of the Land" and *no Laws* have Constitutional authority that are [Contrary].

> Plaintiff alleges, whereas Article II, Section 4 [The] President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." –

is still valid subsequent to Amendment XIV [1868] because Article II, Section 4 is not "Contrary" to Amendment XIV [1868] (Re: Article VI [2]; furthermore, Petitioner alleges; nor is it "Contrary" to Amendment V [1791] that:

> [No] person shall be held to answer for a capital, or otherwise infamous crime, unless on a

> presentment or indictment of a Grand Jury, . . . [nor] be deprived of life, liberty, or property, without due process of law; . . .

However, the United States Senate may *not* try the President because the United States Senate does *not* have authority to *IMPEACH*. Senate had authority to try *an* IMPEACHMENT prior to Amendment XIV [1868] but *not subsequent* to July 28, 1868. Senate may *not* try any *individual person* for violation of United States Constitution, pursuant to Amendment XIV [1868] proclaimed on July 28, 1868.

The Senate trial of House Impeachment of William Jefferson Clinton must be *vacated* forthwith pursuant to United States Constitution Amendment XIV [1868]:

> [nor] deny to any *person* within its jurisdiction the equal protection of the laws. (emphasis added)

Constitution: re: Black's Law Dictionary:

> A charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union. (*e.g.* United States Constitution) which must control until it shall be changed by the authority which established it (*i.e.* by amendment).

The written instrument of Amendment XIV [1868] vacated U.S. Senate authority to "try" anyone for to do so violates Amendment XIV [1868] by denying a *person* the constitutional right of "equal protection of the laws."

II. Whether the federal district court lacked subject matter jurisdiction, whether President Clinton should be removed from office based upon his commission of perjury and the articles of impeachment adopted by the United States House of Representatives, which constitutes a matter of public concern.

Petitioner alleges that Bill Clinton is not permitted government office as of December 19, 1998, upon the moment that chairman of House Judiciary Committee Henry Hyde presented the United States House of Representatives Articles (more than one) of Impeachment to delegated representative of the United States Senate which is prima facie evidence that the Senate is aware of House Impeachment of Bill Clinton; prima facie evidence therein that Senators have been served "a sense of knowledge sufficient to comprehend nature of transaction," which is definition of "*Judgment*" (Art. I, Sec. 3[7]) and any "*Judgment*" disqualifies Bill Clinton to hold and enjoy *any* Office of Honor, Trust, or Profit under the United States."

Petitioner alleges a judgment need not be innocent or guilty determination the "judgment" is exercised by comprehension of petition. "An opinion *or* notion" is a *judgment*.

Article I, Section 3[7] refers to JUDGMENT in cases of Impeachment. Petitioner alleges that "judgment" took place and became constitutionally effective upon delivery to the Senate representative the Articles of Impeachment passed by majority vote in House of Representatives.

Therefore, pursuant to strict compliance with authoritative definition of "judgment" and pursuant to strict compliance of Article I, Sec. 3[7], Bill Clinton *may not* hold the office of President of the United States nor " . . . hold and enjoy any Office of honor, Trust or Profit under the United States."

Petitioner contends that Senate *must* appoint replacement to disqualified Bill Clinton pursuant to Article I, Section 3[5] and Article II Section 1[6]: "The senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States."

The constitution must be adhered to as written and *any* contravention is cause for reversal in any Federal Court. No interpretation of *"intentions"* of founding fathers is permissible. Dead people cannot testify and intentions are discernable only on affidavit or direct testimony. All too often there is interpretation of "intentions of the founding fathers" by lay persons, attorneys, judges, educators, of which all of these, except lay persons, are taught that "interpretation of intentions" is *"HEARSAY"* and not admissible in reading decision because "hearsay" is *NOT EVIDENCE.*

The written words of the Constitution Articles and Amendments *must* be enforced *as written.*

Petitioner alleges that: From the moment of IMPEACHMENT by House of December 19, 1998 until the moment that U.S. Senate did not secure 67 total votes

in favor of ratification of House IMPEACHMENT, William Jefferson Clinton was *not* President of the United States.

The cause of action of IMPEACHMENT on grounds of PERJURY, (felony conviction by House) invalidated his Oath of Office and he may not be *reinstated* until a new Oath or Affirmation is administered by Chief Justice of Supreme Court. Whereas this requisite was not administered, it follows that William Jefferson Clinton was *not lawful* President of the United States. Article II, Section 1[8].

Petitioner alleges there is "no doubt about it "that Bill Clinton committed criminal perjury. There is "no doubt that criminal perjury is a high crime. *Perjury*: In criminal law, the willful assertion as to a matter of fact, opinion, belief, or knowledge, made by a witness in a judicial proceeding as part of his evidence . . . such assertion being material to the issue or point of inquiry and known to such witness to be false." See also 18 U.S.C.A. §§ 1621, 1623. Subornation of perjury is procuring another to commit perjury. 18 U.S.C.A. § 1622. William Clinton must also be found guilty of criminal intent where he "obstructed legal process." Where the House has impeached on grounds of obstruction of JUSTICE – OBSTRUCTING Due Process – opposing order of a court – obstructing his legal duty – these all are categorized as "high Crimes and Misdemeanors" and there is "no doubt about it". Const. Article II Section 4. (House resolution 614).

Where "OBSTRUCTION OF JUSTICE" is a part of RICO Laws and Senators are bound by oath of office to

uphold and administer the Constitution as written, and whereas even Senators are not immune from prosecution for complaint of obstruction of justice, herein Petitioner John V. Hyland, Jr., alleges that this Honorable United States Senate *must* vacate William Clinton forthwith from Office of President of the United States and forthwith invoke the discipline of Constitution Article I, Section 3[7]. "[S]hall be liable and subject to Indictment, trial, judgment, and Punishment, according to Law.

Petitioner alleges that "according to Law" (Art. II, Sec. 1[8] means Bill Clinton must be removed and/or "punished" for *FELONY PERJURY TO FEDERAL GRAND JURY*, willfully, knowingly, despicably, wantonly, habitually, defiantly, dictatorially.

Petitioner alleges whereas defendants, *55 U.S. Senators*, committed felony perjury by defiantly: voting "politically" and without consideration of "following the law," nor obedience to Amendment XIV,: . . . "nor deny to any person within its jurisdiction the equal protection of the laws" and this crime invalidates their OATH OF OFFICE and implicates CRIMINAL ACTION. Nor did defendants, 55 U.S. Senators obey "standard instructions conveyed to jurors to": "weigh only the evidence in your determination of innocence or guilt of the charges presented by United States House of Representatives December 19, 1998."

Impeachment: "A criminal proceeding against a public officer." Defendant Clinton was found GUILTY OF FELONY PERJURY and was then by action of law vacated from Office and at minimum Defendant Clinton must be

tried by jury of peers for the FELONIES he was determined as GUILTY of and IMPEACHED by House of Representatives December 19, 1998, Article One 228 votes, Article Two 221 votes and hand carried by chairman of Judiciary Committee, Honorable Henry Hyde and personally presented to representative of United States Senate as pre-arranged. *Hafer v. Melo*, 502 U.S. 21, 112 S.Ct. 358, 116 L.Ed.2d 301 (1991).

361: "Suits against state officials in their official capacity therefore should be treated as suits against the State. 473 U.S. at 166, 105 S.Ct. 3105. Indeed, when officials sued in this capacity in federal court die or leave office, their successors automatically assume their roles in the litigation. Fed. Rule Civ. Proc. 25(d)(1); Fed. Rule App. Proc. 43(c)(i); this Court's rule 35.3. Because the real party in interest in an official capacity suit is the governmental entity and not the named official, 'the entity's policy or custom' must have played a part in the violation of federal law.

For the same reason, the only immunities available to the defendant in an official-capacity action are those that the governmental entity possesses. 473 U.S., at 167, 105 S.Ct at 3105." *Hafer, supra* at 363[3]: "Thus, [o]n the merits to establish *personal* liability in a § 1983 action, it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right."

Plaintiff alleges that *all defendants* committed *perjury* and that is *not* an *immune* "act under color of law". U.S. Constitution, Amendment 14: . . . [t]he equal protection of the laws." Plaintiff has every right to be "equally protected from these defendants committing PERJURY,

lies, subornation of perjury, "selective prosecution", CONSPIRACY to commit perjury, exoneration of a "colleague" from *confessed perjury to federal grand jury* while in the employ of this plaintiff. *Owen v. City of Independence, Mo.*, 455 U.S. 622, 100 S.Ct. 1398, 63 L.Ed.2d 673 (1980), at 1401(a): By its terms, § 1983 "creates a species of tort liability that on its face admits to no immunities. Its language is absolute and unqualified, and no mention is made of any privileges, immunities, or defenses that may be asserted. Rather, the statute imposes liability upon "every person".

All laws must be applied "equally". U.S. Constitution Amendment 14. Defendants upon death or vacating of office do not pass their "individual perjuries onto the successor" and therefore have no immunity from felony of PERJURY, obstruction of justice, false pretenses of unbiased jurors, conspiracy, ex parte communications during trial of IMPEACHMENT brought by United States of America House of Representatives as representing the people (plaintiff) of the United States and the laws of the United States.

Perjury: "A person is guilty of perjury if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true. Model Penal Code, § 241.1, 18 U.S.C.A. §§ 1621, 1623."

Where defendants committed ex parte communication outside the trial court and without permission of the Chief Justice, therein is subornation of perjury and conspiracy to "fix" the jury which was sworn to base verdict

on the evidence presented at trial. 18 U.S.C.A. § 1622 Subornation of perjury. Conspiracy is a crime, felony, Model Penal Code, § 5.03, and 18 U.S.C.A. § 371 that violates INSTRUCTIONS and OATH to this Constitutional court, commonly referred to as "Article III" court.

Plaintiff has been forced to pay into Social Security for 50 years and the Trustees of plaintiffs' account used the money to buy U.S. Treasury Bonds and Bills and then U.S. Treasury took plaintiff's social security "trust money" and paid it to defendants. Plaintiff has right to "equal protection of laws" and enforcement of defendants' violations of OATH OF OFFICE via perjury and causes of action in this Civil Complaint.

Plaintiff has filed civil complaint and jury demand that cites causes of action against defendants for "bias, prejudice, political favoritism, fixing the trial, rigging the trial and those causes of action of defendants' bias and prejudice are proof of Plaintiff's claims that Defendants took money that Plaintiff has "equity interest in" and they took that money under false pretenses and therewith committed tort against Plaintiff that is *not time barred* as non-impartial decisionmakers. *Martinez v. Winner*, 771 F.2d 424, 426 (10th Cir. 1985). "It is usually inappropriate for judge to give statements to the press about pending case." Plaintiff alleges this case law applies fourfold to jurors and the Senate *jury* of 100 prejudiced their decision with releases to the press and ex parte communications thereby denying the House of Representatives a "fair trial" and denied this Plaintiff the right to "fair trial" of Impeached President, at 435 *Martinez*, court stated: "If the judge feels a jury is being intimidated by spectators, it is his responsibility to notify the proper law enforcement

agencies and have the possible crime investigated." Plaintiff alleges that Chief Justice William Rehnquist, is guilty of negligence of his sworn duty to me to preside judicially and enforce with vigor and all of his authority to prevent a "fixing of trial" that in fact has occurred and makes CHIEF JUSTICE Rehnquist a subject of causes of action submitted by Plaintiff. At 436 *Martinez*, the Court stated: "the public must look to other remedies including impeachment" . . .

Now just *WHERE* would a complaining citizen *"look"* other that a civil complaint and *JURY DEMAND*??

A.J. by L.B. v. Kierst, 56 F.3d 849, 861 (8th Cir. 1995) "Claims based on actual bias are not time barred. 28 U.S.C.A. § 455."

Bivens v. Six Unknown Agents of Fed. Bur. of Narc., 91 S.Ct. 1999 at 2008, 2011 (1971) 403 U.S. 388 . . . [d]amages are necessary to effectuate the congressional policy underpinning the substantive provisions of the statute."

Gossmeyer v. McDonald, 128 F.3d 481, 495 (7th Cir. 1997): "This does not mean that there has to be a case on point holding that the officials' exact conduct is illegal before we will find the official liable."

Musson Theatrica, Inc. v. Federal Express Corp., 89 F.3d 1244, 1238 (6th Cir. 1996): [H]owever, the law is hardly static – and a federal court has jurisdiction to hear claims on the margins of reasonable probability."

Atkinson v. Bohn, 91 F.3d 1129 (8th Cir. 1996). "We also must liberally construe Atkinson's pro se complaint. Pro se complaint should not be dismissed unless it appears beyond a doubt (not just reasonable doubt, but *all doubt*)

(emphasis added) that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Fed. Rule Civ. Proc. Rule 12(b)(6) 28 U.S.C.A."

Plaintiff has right to "impartial decisionmaker" that tortuously was breached unconstitutionally; 42 U.S.C.A. § 1983 and "under color of law."

Plaintiff, pro se, made JURY DEMAND and paid filing fees.

Petitioner-Plaintiff complied with 28 U.S.C.A. Rules Civ. Proc. Rule 4 – Summons.

Neither the defendant nor the *served representatives* ever replied to the SUMMONS and COMPLAINT.

28 U.S.C.A. Fed. Rule Civ. Proc. Rule 55 requires Clerk to Enter Default upon expiration of time allotted by the Clerk on the Executed SUMMONS IN A CIVIL CASE Form A0 440 which states:

> "If you fail to do so, judgment by default will be taken against you for the relief demanded on the complaint."

There is no authority existing for a judge to ORDER a Clerk to disobey Rule 55 where defendant is served and Post Office Certification form sent by Plaintiff to Clerk of Court and entered on docket record, Plaintiff is not required to MOTION FOR DEFAULT JUDGMENT. The Court Rule 55 *requires* Clerk to enter default for the relief requested. Defendant then may move to set aside the default judgment but is required to "show good cause." See 28 U.S.C.A. § 133(a) "The President shall appoint, by and with the advice and consent of the Senate, district

judges for the several judicial districts as follows: and lists *628* "Judges".

How "intimiated" and biased can a judge be?

Plaintiff is denied "fair hearing" because of "bias and prejudice of U.S. District Court and Court of Appeals judges who may *owe their livelihood* to this defendant.

Only a *jury trial* of peers will satisfy this Civil Complaint.

There cannot be a "fair hearing" by any *active* U.S. Court Judge.

Whereas Federal Judges may retire, resign, after 10-14 years and receive *full salary the rest of their lives* is "bribery" by President and senators to aid and abet defendant's commission of these crimes of PERJURY, CONSPIRACY, JURY TAMPERING, NEWS MEDIA RELEASES and under cover EX PARTE unlawful meetings or at least the "appearance" of such.

A Federal judge at age 65 needs only 15 years of service to receive FULL SALARY THE REST OF HIS LIFE. U.S. Const. Amend. 14 states: . . . "equal application of all laws."

Is there lawful "exceptions" for the "law-makers" and/or "law-enforcers?" U.S. Constitution Amendment 14 says: "equal application of all laws."

Plaintiff paid into Social Security for 50 years and cannot get a red cent. Federal judges even have special set-aside funds such as: "Judicial Survivors' Annuities Fund".

Why don't judges get the same retirement as "workers" of the United States that pay into Social Security aka Federal Insurance Contributions Act all their lives?

POINT: Lower courts have the "appearance" of bias and/or prejudice in favor of "political defendants".

All federal judges should recuse themselves pursuant to 28 U.S.C.A. § 455 forthwith and this trial be commenced before a retired Federal Justice or Federal Court of Appeals judge who is over 65 and under 72 years of age and not registered with Republican or Democrat political party nor related to any defendants nor have any children who are Federal Judges.

Sixth Circuit Court of Appeals case 99-1412, January 28, 2000 page 2 stated: "Hyland's action involves a matter that is unsuitable for judicial resolution, as the Constitution excludes judicial review of impeachment."

Hyland disagrees. There is nothing in Constitution to prevent any Court from challenging a non-court hearing.

The U.S. Senate "hearing" is via a "quasi court" and is not *a* Court of law. The Senate "hearing" as "quasi judicial" is required to "investiatge facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature." Black's Law Dictionary, Sixth Edition. Whereas the U.S. Senate played "politics" and violated their own OATH OF OFFICE, it does follow that the Courts of the United States must adjudicate Hyland's Petition on the merits. William J. Clinton's *"guilt by reason of confession to the*

whole World of Perjury and subornation of Perjury and Obstruction of Justice, all are "high Crimes and Misdemeanors" that were *confessed to.*

Sixth Circuit followed this with: "The Senate shall have the sole Power to try all Impeachments." Hyland agrees.

Sixth Circuit followed with: [a] federal court cannot exercise judicial authority to order impeachment of the President of the United States or to conduct an impeachment proceeding." Hyland agrees.

However, Hyland has not petitioned for *IMPEACHMENT.* The House of Representatives impeached December 19, 1998 on TWO COUNTS of criminal perjury and obstruction of justice.

Hyland demands the federal court to *ENFORCE THE IMPEACHMENT.*

The language of U.S. Constitution clearly states that a President must have an "Oath or Affirmation "Before he enter on the Execution of his Office" . . . U.S. Const. Art. II, Sec. 1 [8].

In support of the fact that Clinton was *vacated* of Office of President December 19, 1998, Hyland refers to plain language of U.S. Const. Art. II, Sec 4: "The President, . . . shall be removed from Office on Impeachment for, . . . or other high Crimes and Misdemeanors."

Hyland alleges that William Jefferson Clinton's original "Oath or Affirmation" was *vacated* upon Impeachment by House 12-19-98. Once Clinton was proved to have

"vacated" his Oath or Affirmation, there was immediately the Constitutional requirement of *new* Oath or Affirmation violation.

Once William Jefferson Clinton *confessed* to *perjury to federal grand jury*, willfully, wantonly, intentionally, therewith was the *vacating of Oath or Affirmation* and a contemporaneous renewal is mandated by U.S. Const. Art. II, Sec. 1 [8].

All the acts of William J. Clinton since his Oath was expunged are invalid because he cannot *take Office* without a *valid Oath or Affirmation*.

The District Court and Sixth Court of Appeals has neglected to take judicial note that U.S. Const. Amend. I [1791] permits Hyland "to petition the Government for a redress of grievances."

The United States still does not have a *valid* President because the artifice William Clinton's *assumption* of Office of President is a deceit to the American people.

Strange that all those legal brains were so taken-up with contriving and conspiring and threatening and ex parte communicating *during trial as jurors* outwardly implying they have "clean hands" and "trust us as U.S. Senators", whereas Hyland views them as "filthy" with high Crimes and Misdemeanors".

A witness, once impeached, may be rehabilitated with evidence of credibility. Clinton *confessed* to "high Crimes and Misdemeanors." Clinton has *no credibility*. Clinton remains, in history, as IMPEACHED by evidence of conviction of crimes."

William Jefferson Clinton has not lawfully been President since December 19, 1998 or even before that, and really since the date he *confessed* to PERJURY TO A FEDERAL GRAND JURY and did not take or have presented to him the OATH OF OFFICE OF PRESIDENT OF THE UNITED STATES subsequent to that *confession* WORLD WIDE.

Hyland has named William Rehnquist as defendant in Civil Complaint along with 55 U.S. Senators and pursuant to 28 U.S.C.A. § 455, Hyland herewith requests that Chief Justice William Rehnquist recuse himself from this Petition For a Writ of Certiorari.

Michigan Supreme Court, *People v. McIntire*, 461 Mich. 147, 158 (1999).

"The Legislature (Michigan) made an express choice to punish otherwise-immunized false swearers by authorizing their prosecution for perjury. This is the policy choice that [we] believe [the judiciary] is obligated to respect and enforce. By contrast, [the Court of Appeals has] turned traditional statutory construction principles inside out in order to achieve a different desired result."

Petitioner Hyland alleges that perjury penalties are National interest. Re: *McIntire, supra,* at 158:

[We] also note that perjury committed in any court proceedings has been prohibited by separate statute since as early as 1846. See MCL 750.422; MSA 28.664. Petitioner Hyland alleges District of Columbia probably has similar statute that must be enforced independent of United States Senate.

/s/ John Hyland

CONCLUSION

United States House of Representatives still had authority to Impeach pursuant to Amendment XIV [1868].

However, House of Representatives does *not* have Power to refer *to* the United States Senate the "high Crimes and Misdemeanors" of impeached party.

Subsequent to Amendment XIV [1868] the United States Senate no longer has authority, nor Power, to try *anyone*.

Impeachment referral to the United States Senate, subsequent to Amendment XIV [1868] is invalid because that will deny a [person] of [equal protection of the laws.] Amendment XIV [1868] supersedes, amends, any and *ALL* Articles and Amendments prior to Amendment XIV [1868] that *conflict* with *"any person(s) EQUAL PROTECTION OF THE LAWS."*

The United States District Court, and Sixth Circuit Court of Appeals has failed to evaluate the content, form, and context of these Claims of Causes of Action in Civil Complaint with *JURY DEMAND*.

The Courts have failed to charge a SCHEDULING ORDER.

The Courts have failed to enter DEFAULT JUDGMENT whereas defendant was properly served by Plaintiff but has not responded to the Clerk's ORDER.

RELIEF REQUESTED

Petitioner requests this Petition for Writ of Certiorari be granted and issue that this case and the causes of action be remanded to lower court for *JURY TRIAL OF PEERS* on the merits by an "impartial jury" and "impartial judge."

Petitioner requests this Court to ORDER District Court to enter DEFAULT JUDGMENT for relief demanded pursuant to Clerk's ORDER on the SUMMONS IN A CIVIL COMPLAINT served upon defendant and U.S. Attorney, but never a response.

Whereas Plaintiff alleges this Court must *HONOR* the United States Constitution Articles and Amendments and must provide [equal protection of the laws.] to every *person*:

Plaintiff requests this Honorable United States Supreme Court to ORDER United States Senate to *expunge* its record of the trial of William Jefferson Clinton.

Plaintiff further requests this Court to sanction the United States Senate for unauthorized trial of William Jefferson Clinton and with that sanction authorize reward to Plaintiff.

Plaintiff further requests this Honorable United States Supreme Court to PETITION the United States House of Representatives to refer its IMPEACHMENT of William Jefferson Clinton to the United States District Court in which the "high Crimes and Misdemeanors" occurred or were alleged to have occurred.

Whereas William Jefferson Clinton did *confess* to "high Crimes and Misdemeanors" of *perjury*, subornation of perjury, *obstruction of justice*, therein is sufficient evidence for this United States Supreme Court to ORDER the United States District Court of District of Columbia and United States District Court for Arkansas, to indict and summon William Jefferson Clinton to criminal trial of his *confessed* "high Crimes and Misdemeanors."

Plaintiff, John Vincent Hyland, Jr., requests this Honorable Court to award Plaintiff Fifty Million Dollars, ($50,000,000.) as Declaratory Judgment 28 U.S.C.A. §§ 2201, 2202.

Respective of the Court,

Dated: March 15, 2000

John Vincent Hyland, Jr.,
Petitioner-Plaintiff, pro se
MCF 228879
240 Sheridan
Muskegon, MI 49442.

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN VINCENT HYLAND, JR., Plaintiff, v. WILLIAM J. CLINTON, Defendant.	Case No. 1:99-cv-3 Honorable Richard Alan Enslen **ORDER OF DISMISSAL** (Filed March 18, 1999)

This is a civil action brought by a state prisoner entitled "Petition to Enforce Disqualification of Bill Clinton as President of the United States and Give Notice to senate Jurors that ex Parte Communication is Unlawful." Plaintiff paid the $150 civil action filing fee. As the foregoing title suggests, plaintiff argues in his pleading that President Clinton should be removed from office based upon the articles of impeachment adopted by the United States House of Representatives.

Federal Rule of Civil Procedure 8(a) requires that a pleading contain a short and plain statement of the grounds upon which the court's jurisdiction depends. Plaintiff has failed to provide a valid basis for jurisdiction and this court is unable to discern any valid basis. Moreover, plaintiff's pleading concerns a political questions that is better left to the other branches of government. *See, e.g., Coleman v. Miller,* 307 U.S. 433, 443-446 (1939); *Ohio ex rel. Bryant v. Akron Metropolitan Park district,* 281

U.S. 74, 79-80 (1930). Accordingly, plaintiff's action is dismissed sua sponte for lack of jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3).

IT IS SO ORDERED.

Dated: 3-18-99

/s/ Richard Alan Enslen
Richard Alan Enslen
Chief District Judge

No. 99-1412

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOHN VINCENT HYLAND, JR.,
Plaintiff-Appellant,
v.
WILLIAM J. CLINTON,
Defendant-Appellee.

ORDER

(Filed Jan. 28, 2000)

Before: NELSON, SUHRHEINRICH, and GILMAN, Circuit Judges.

John Vincent Hyland, Jr., a Michigan prisoner proceeding pro se, appeals a district court order dismissing his action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3). This case has been referred to a panel of the court pursuant to rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

On January 5, 1999, Hyland, having paid the proper filing fee, filed a "Petition to Enforce Disqualification of Bill Clinton as President of the United States and Give Notice to Senate Jurors that Ex Parte Communications Is [*sic*] Unlawful." Hyland's petition alleged that President Clinton should be removed from office based upon his commission of perjury and the articles of impeachment adopted by the United States House of Representatives. Hyland alleged that Clinton "lied over and over again

and must be punished by *expulsion* from Office *and* be prosecuted on charges of felonies he has committed and/or was in conspiracy to commit and/or suborned another to commit perjury."

On March 18, 1999, the district court dismissed Hyland's action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3). The district court concluded that Hyland's petition lacked "a valid basis for jurisdiciton" and "concerns a political questions [*sic*] that is better left to the other branches of government." Hyland filed a timely notice of appeal and contends that the district court improperly dismissed his action for lack of jurisdiction and should have allowed him to amend his complaint prior to dismissal. Hyland has paid the appellate filing fee. Hyland also filed a "First Supplement to Civil Complaint," in which he contends that he "must be granted the requested relief to evict defendant from office of President of the United States by virtue of operation of law, and award plaintiff monetary relief requested," and a "Procedural Motion," in which he requests this court to order the district court to prepare a scheduling order.

A district court's decision to dismiss an action for lack of subject matter jurisdiction is reviewed de novo. *See Friends of Crystal River v. United States Envtl. Protection Agency*, 35 F.3d 1073, 1077-78 (6th Cir. 1994), *Willis v. Sullivan*, 931 F.2d 390, 395 (6th Cir. 1991). "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." Fed. R. Civ. P. 12(h)(3). Federal Rule of Civil Procedure 12(h)(3) permits sua sponte dismissals of suits over which the district court does not

possess subject matter jurisdiction. *See Rauch v. Day and Night Mfg. Corp.*, 576 F.2d 697, 701 (6th Cir. 1978).

Upon review, we conclude that the district court correctly dismissed Hyland's action for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3); *Friends of Crystal River*, 35 F.3d at 1077-78; *Willis*, 931 F.2d at 395. Hyland's action involves a matter that is unsuitable for judicial resolution, as the Constitution excludes judicial review of impeachments. *See Nixon v. United States*, 938 F.2d 239, 241-44 (D.C. Cir. 1991), *aff'd*, 506 U.S. 224 (1993) (impeachment of a United States District Court judge). The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment." U.S. Const. Art. I, § 2, cl. 5. "The Senate shall have the sole Power to try all Impeachments." U.S. Const. Art. I, § 3, cl. 6. Because the constitutional provisions dealing with the power to impeach and the power to try all impeachments is specifically conferred upon the House and Senate respectively, a federal court cannot exercise judicial authority to order impeachment of the President of the United States or to conduct an impeachment proceeding. *See Nixon*, 938 F.2d at 243 ("the framers simply assumed that courts had nothing whatever to do with impeachments").

Furthermore, because the district court lacked subject matter jurisdiction to consider Hyland's "petition," which sought impeachment of President Clinton and his removal from office, we conclude that the district court did not err by failing to permit Hyland an opportunity to amend his complaint prior to dismissal. *See Apple v. Glenn*, 183 F.3d 477, 479-80 (6th Cir. 1999). "Generally, a district court may not *sua sponte* dismiss a complaint

where the filing fee has been paid unless the court gives the plaintiff the opportunity to amend the complaint." *Id.* at 479; *see also* Fed. R. Civ. P. 15(a) (a party has the right to amend his complaint "once as a matter of course at any time before a responsive pleading is served . . . "). However, where a plaintiff's claim is "totally implausible," the district court need not afford the plaintiff an opportunity to amend the complaint, especially where the district court has determined that it lacks subject matter jurisdiction over the action. *Apple,* 183 F.3d at 479-80.

Accordingly, the district court's order is affirmed. Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER
OF THE COURT

/s/ Leonard Green, Jr.
Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No: 99-1412

Filed: February 22, 2000

JOHN VINCENT HYLAND, JR.

Plaintiff - Appellant

v.

WILLIAM J. CLINTON

Defendant - Appellee

MANDATE

Pursuant to the court's disposition that was filed 1/28/00 the mandate for this case hereby issues today.

COSTS: NONE

Filing Fee ..... $
Printing ..... $

Total ..... $

A True Copy.

Attest:

/s/ Illegible
Deputy Clerk

Page 818 **IMPEACHMENT**

* * *

Eleven articles of impeachment were submitted to the Senate. Eight related to Johnson's attempt to remove Stanton. Another charged in part that Johnson had criticized Congress "in a loud voice." The charges had no substance – the Radicals sought Johnson's removal for political reasons. The trial lasted from March to May 1868, Chief Justice Chase presided. The President did not attend, but he was represented by able counsel.

* * *

Page 663 CONSTITUTION OF THE UNITED STATES

* * *

The 14th Amendment, which has produced more litigation and court interpretation than any other part of the Constitution, originally was enacted to protect the freedman from the abrogation of his rights by the Southern states. By making the Negro a citizen and by making the federal government responsible for his privileges and immunities, it sought to build a wall of federal protection around him. It was proclaimed on July 28, 1868, after a bitter ratification contest in which Southern states that had formally been declared out of the Union were required to ratify the amendment as a condition for return.

* * *